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# United States Senate

WASHINGTON, DC 20510-1604

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March 21, 2003

The Honorable Michael Powell  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> St., SW  
Washington, DC 20554

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Federal Communications Commission  
Office of the Secretary

Chairman Powell:

I am writing to encourage the Commission to bring to a close its ongoing Biennial Review of media ownership regulations, and to issue a final order in this matter without further delay. It is time for the Commission to create regulatory certainty for this important market segment.

The Commission's review of the newspaper/broadcast cross-ownership rule and the local radio ownership rule commenced in September and November of 2001 respectively. The cable/broadcast cross-ownership rule and the national TV ownership rule have, in effect, been open since the Commission's 1998 Biennial Review determinations regarding these regulations were remanded by the U.S. Court of Appeals for the DC Circuit. I am troubled with the length of time these particular issues have remained pending before the Commission.

Each of the issues included in this consolidated review are important, and as a result the Commission has received voluminous comments for its consideration. Further regulatory delay would be unwarranted and untenable. Regulatory certainty is paramount for regulated markets, and the telecom space is no different than any other. The Commission's recent experience with the Triennial Review, and the resulting fallout from the regulatory *uncertainty* created by the untimeliness and fractured result of that determination are a potent reminder to the Commission that it must act in a reliable, consistent, and timely manner.

Recently you have expressed your concern that the Act's Biennial Review media ownership requirement was serving to create regulatory uncertainty due to the frequency with which it occurs. Chairman McCain has included FCC reform on the Commerce Committee's agenda for the 108<sup>th</sup> Congress, and the Appropriations Committee will soon review FY '04 funding for the Commission. In preparation for these important efforts, I am interested in knowing more about your concerns in this area.

Please provide me with examples of how the existing statutory requirement to review media ownership regulations every two years has served to create uncertainty in the marketplace. Should Congress concur with your assessment should we respond by eliminating the statutory requirement, provide greater flexibility to the Commission in determining when to begin a such a

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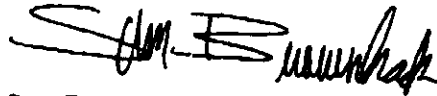
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review, or simply extend it by a number of years? Should any such reform be limited to media ownership, or extended to the entire Biennial Review requirement?

Again, I strongly urge you to complete the current Biennial Review of media ownership regulations as soon as possible. I look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Sam Brownback", written in a cursive style.

Sam Brownback  
United States Senator

cc:

Commissioner Abernathy  
Commissioner Adelstein  
Commissioner Copps  
Commissioner Martin